

CCA Carers & Caring for Carers Australia Ltd Privacy Policy



Introduction

The purpose of this policy is to establish standards of privacy, dignity and confidentiality in CCA's dealings with prospective, current and past service users of CCA services. The policy has been framed around individuals' rights as they are specified in the *Privacy Act 1988* (Cth), National Privacy Principles, *Freedom of Information Act 1982* (Cth), *Disability Services Act 1993* (WA) and Standard 4 of the Disability Services Standards (1993). This policy applies to all of Caring for Carers Australia programs and activities.

CCA is committed to ensuring that all service users have a right to the same level of privacy, respect, dignity and confidentiality as is expected by the rest of the community. CCA is committed to safeguarding and advocating for the protection of the right to privacy, dignity and confidentiality of service users in all aspects of their lives.

Definition

Personal information is information or an opinion, in any form and whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Sensitive information may include personal information or opinion about an individual's health, racial or ethnic origin, religious or philosophical beliefs or affiliations, political opinions, membership of a political association, membership of a professional or trade association or trade union, sexual preferences or practices, and criminal record (Section 6 of the *Privacy Act 1988* (Cth)).

Procedures

CCA will:

Ensure that each service user (about whom personal or sensitive information is collected, stored or used), and their family or guardian has access to the policy on Privacy, Dignity and Confidentiality.

Advise the service user and family or guardian of the nature of the personal information that CCA retains about the service user and that it will be maintained in either paper or electronic formats or both.



Advise the service user and family or guardian of their right to view and access the information that CCA keeps in respect of the service user, their right to appeal its relevance and/or accuracy and about the possible use of that information. CCA reserves the right to deny access to some information in accordance with *Privacy Act 1988* (Cth) and other applicable laws, but undertakes to advise the service user and family or guardian of the reasons for the denial. CCA may provide a synopsis of the relevant information required instead of releasing the file.

Only collect *personal information* to enable the CCA to provide support and services to its service users. The personal information collected must be directly relevant to the organisation's roles, activities, functions, service delivery and duty of care responsibilities.

Only collect *sensitive information* if it is relevant to providing a service to the individual or is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual.

Ensure that the personal and sensitive information collected, used or disclosed is accurate, complete and up-to-date.

Take reasonable physical and electronic security measures to protect the information it holds from misuse, loss, unauthorised access, modification or disclosure.

Seek the written consent of the service user, family or guardian prior to obtaining information from any other source.

Provide training for all employees in the policies and procedures relating to service user file maintenance and security and will ensure that they fully understand their responsibilities in implementing the Privacy, Dignity and Confidentiality policy. Upon appointment, all CCA employees and contractors will be required to sign a confidentiality declaration.

Ensure that personal information is stored securely and is not left on view to unauthorised Association employees or the general public. Service user files are stored in lockable filing cabinets in a non-public place in the office and files are returned to their proper location as soon as they are no longer required.

Ensure that only those employees who need access to service user personal information will be granted access. All employees who have access to, and responsibility for managing service user personal information are to ensure that its privacy and confidentiality is protected. Employees are to ensure that appropriate and relevant service user



issues are discussed in the context of professional supervision, debriefing or established communication systems and not:

- With employees other than those who need to know.
- In front of the service user if they are not included in the discussion.
- In public or where discussions may be overheard.

These procedures are to be implemented to ensure that CCA meets its policy objective of ensuring that all service users have the same level of privacy and confidentiality as is expected by the rest of the community.

Treat the personal and sensitive information collected and stored in strict confidence and not divulge the information to any person not entitled to that information.

However, CCA may provide other service providers, contractors, medical and allied health practitioners, regulatory agencies, or others as required by law with service users' personal and sensitive information as deemed necessary to fulfil our primary responsibility to the service user.

Permission to release service user personal or sensitive information to third parties is only given where there is a legitimate need for the information and is limited to the actual information required. The written consent of the service user's family or legal guardian is required.

Where a service user's personal information is disclosed to a third party, CCA requires these parties to protect the information to the same standard applied by CCA.

CCA will not disclose personal or sensitive information it has collected about service users to a third party for research purposes unless the information is necessary for research or statistical analysis relevant to public health, public safety or the management, funding, or monitoring of disability sector services.

Where the identity of the service user is not necessary for research purposes, CCA will permanently de-identify the information provided. The request for information must be in writing and the written consent of the service user's family or legal guardian, is required.

Seek the written consent of the service user or family prior to **releasing** information to any other source. Photographic, video or other identifying images are not displayed or aired publicly

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without the written prior permission of the service user, family or guardian.

All requests from the media for information relating to a service user are to be referred to the Director. Employees are not permitted to speak to the media on any service user related issue.

Ensure that personal information about a service user is only held by CCA for as long as it remains relevant to the delivery of effective services and CCA's duty of care legal obligations. Service user files will be periodically reviewed to ensure that personal information that is no longer relevant, and unlikely to be relevant in the future, is culled from files.

Take reasonable measures to destroy or permanently remove identification from personal information when it is no longer needed for any purpose for which the information may be used or disclosed.

CCA will retain all records relating to an individual for the duration of their life under the care of CCA. In the event of the death of a service user or their transfer to another service provider, personal information files will be closed, archived and retained for a period of seven years and then destroyed. If a service user transfers to another service provider, CCA will provide copies of all relevant service user personal information to the new agency.

Promptly investigate, remedy and document any consumer grievance regarding privacy, dignity or confidentiality in accordance with the Service User Grievance Policy.

All service user personal information files remain the property of CCA.

A breach of this policy may lead to disciplinary action and termination of employment according to the policy on Employee Discipline and Termination.

Serious breaches may also lead to criminal proceedings or civil action being taken against individual employees.